



**The Ordinary Meeting of the  
Kawerau District Council will be held  
on Tuesday, 28 September 2021  
in the Concert Chambers  
commencing at 9.00am**

**AGENDA**

### **GUIDELINES FOR PUBLIC FORUM AT MEETINGS**

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Ordinary Meeting of the Kawerau District Council  
will be held on Tuesday 31 August 2021  
via Zoom commencing at 9.00am**

**Present:** His Worship the Mayor M J Campbell  
Deputy Mayor F K N Tunui  
Councillor B J Julian  
Councillor C J Ion  
Councillor S Kingi  
Councillor D Sparks  
Councillor A Rangihika  
Councillor W Godfery  
Councillor R G K Savage

**In Attendance:** Chief Executive Officer (R George)  
Manager, Operations & Services (H van der Merwe)  
Manager, Finance & Corporate Services (P Christophers)  
Communications Manager (T Humberstone)  
Administration Officer (T Barnett)

**Apologies**

No apologies were received.

**Leave of Absence**

No leave of absence were received.

**Opening Prayer**

Pastor Paul Heke opened the meeting with a prayer.

**Declarations of Conflict of Interest**

No declarations of conflict of interest were received.

**1 CONFIRMATION OF COUNCIL MINUTES**

**1.1 Ordinary Council – 27 July 2021**

**Resolved**

**His Worship the Mayor / Councillor Sparks**

*That the Minutes of the Ordinary Council meeting held on 27 July 2021 is confirmed as a true and accurate record.*

## **2 CONFIRMATION OF COMMITTEE MINUTES**

### **2.1 Regulatory and Services Committee – 17 August 2021**

**Resolved**

**Councillors Ion / Savage**

*That the Minutes of the Regulatory and Services Committee meeting held on 17 August 2021 is confirmed as a true and accurate record.*

### **2.1 Audit and Risk – 24 August 2021**

**Resolved**

**His Worship the Mayor / Deputy Mayor Tunui**

*That the Minutes of the Regulatory and Services Committee meeting held on 24 August 2021 is confirmed as a true and accurate record.*

## **3 Action Schedule (101120)**

**Resolved**

**Councillors Ion / Savage**

*That the updated Action Schedule of resolutions/actions requested by Council is received.*

## **4 His Worship the Mayor's Report (101400)**

**Resolved**

**His Worship the Mayor / Deputy Mayor Tunui**

*That His Worship the Mayor's report for the period Wednesday 21 July 2021 to Tuesday 24 August 2021 be received.*

## **5 Reserve Encroachment - 13 Kirk Crescent (Group Manager, Operations and Services) (408005)**

Council discussed the report Reserve Encroachment – 13 Kirk Crescent.

**Resolved**

**Councillor Kingi / Deputy Mayor Tunui**

- 1. That the report "Reserve Encroachment 13 Kirk Crescent" be received.*
- 2. That the request to replace the northern and eastern fence including the access gate of 13 Kirk Crescent on the reserve rather than the property boundary line is approved.*
- 3. That the owner of 13 Kirk Crescent pay for any legal costs associated with preparing licence to occupy agreements.*
- 4. That the term of the licence to occupy be 20 years.*

6 **Annual Plan Performance for the Year Ended 30 June 2021 (Group Manager, Finance and Corporate Services) (110400)**

Council discussed the report Annual Plan Performance for the Year Ended 30 June 2021.

**Resolved**

**Councillors Julian / Rangihika**

*That the report "Annual Plan Performance for the Year Ended 30 June 2021" be received.*

7 **Dog Control – Policy and Practices Report 2020 / 2021 (Team Leader – Animal Control and Compliance) (307000)**

Council discussed the report 'Dog Control – Policy and Practices Report 2020 / 2021.

**Resolved**

**Councillors Julian / Kingi**

1. *That the report "Dog Control – Policy and Practices Report 2020/21" be received.*

2. *That Council adopts and publicly notifies the Dog Control - Policy and Practices Report for the 2020/21 year and forwards a copy to the Secretary, Department of Internal Affairs.*

**Meeting closed 9.56am**

M J Campbell

**Mayor**

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**Minutes of the Regulatory & Services Committee  
held on Tuesday, 14 September 2021  
in the Concert Chamber commencing at 9.00am**

**Present:** Councillor C J Ion (Chairperson)  
His Worship the Mayor M J Campbell  
Deputy Mayor F K N Tunui  
Councillor B Julian  
Councillor S Kingi  
Councillor W Godfery  
Councillor A Rangihika  
Councillor R G K Savage  
Councillor D Sparks

**In Attendance:** Chief Executive Officer (R George)  
Manager, Finance and Corporate Services (P Christophers)  
Manager, Operations and Services (H van der Merwe)  
Acting Economic and Community Development Manager (L Barton)  
Communications Manager (T Humberstone)  
Administration Officer (T Barnett)

**Apologies**

No apologies were received.

**Declarations of Conflict of Interest**

No conflict of interest was declared.

**PART A – REGULATORY**

**1 Monthly Report - Regulatory and Planning Services (340000)**

The Committee discussed a report covering Planning, Compliance and Capability activities for August 2021.

**Resolved**

**Councillors Sparks / Rangihika**

*That the report on Regulatory and Planning Services activities for the month of August 2021 is received.*

**PART B – NON REGULATORY**

**2 Monthly Report - Finance and Corporate Services (211000)**

The Committee discussed a report from the Manager, Finance and Corporate Services covering activities for the month of August 2021.

**Resolved**

**Councillors Kingi / Savage**

*That the report from the Manager, Finance and Corporate Services for the month of August 2021 is received.*

**3 Monthly Report - Operations and Services (440000)**

The Committee discussed a report from the Manager, Operations and Services covering activities for the month of August 2021.

**Resolved**

**Councillors Kingi / Julian**

*That the report from the Manager, Operations and Services for the month of August 2021 is received.*

**4 Monthly Report - Economic and Community Development (Acting Economic and Community Development Manager) (309005)**

The Committee discussed a report from the Acting Economic and Community Development Manager covering economic and community activities for the month of August 2021.

**Action Items:**

Members requested staff find out if the Intercity bus service was based out of Auckland.

That the Kawerau Youth Council are acknowledged in the next Community Update for their efforts in organising a challenge of videoing physical activity by residents in Stoneham Walk.

**Resolved**

**Councillors Sparks / Rangihika**

*That the report from the Acting Economic and Community Development Manager for the month of August 2021 is received.*

**Meeting closed at 9.17am**

C J Ion

**Chairperson**

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**Minutes of the Extraordinary Meeting of the Kawerau District Council  
held on Tuesday, 14 September 2021  
in the Concert Chamber commencing at 10.30am**

**Present:** His Worship the Mayor M J Campbell (Chair)  
Deputy Mayor F K N Tunui  
Councillor C J Ion  
Councillor B Julian  
Councillor S Kingi  
Councillor W Godfery  
Councillor A Rangihika  
Councillor R G K Savage  
Councillor D Sparks

**In Attendance:** Chief Executive Officer (R George)  
Manager, Finance and Corporate Services (P Christophers)  
Manager, Operations and Services (H van der Merwe)  
Acting Economic and Community Development Manager (L Barton)  
Communications Manager (T Humberstone)  
Administration Officer (T Barnett)

**Apologies**

No apologies were received

**Declarations of Conflict of Interest**

No conflict of interest were declared.

**1 Hearing of Submissions to Representation Arrangement Proposal for 2022 Council Elections (Group Manager, Finance and Corporate Services) (211000)**

The following submitters spoke their submissions:

- Dot Mareroa
- Louise Hiwarau
- El Alamein Tunui
- Helen Sisley
- Veronica Rolinson
- Wiremu Kuka
- Heather Murphy
- Jonathan Te Rire

**ACTION ITEM:**

Staff were requested to confirm that the final date for adopting Maori Wards for the 2022 Council Elections was 21 May 2021.

**Resolved**

**His Worship the Mayor / Deputy Mayor Tunui**

1. *That the report "Hearing of Submissions to Representation Arrangement Proposal for 2022 Council Elections" is received.*
2. *That Council heard from submitters who spoke their submissions to the proposed Representation arrangements.*

**Meeting closed 12.31pm**

M J Campbell

**Mayor**

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## Action Schedule

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Completion Date
A&R 04.02.20	<b>Council's Risk Maturity – Improvement Programme</b> Arrange KPMG to review Council's Risk Management Maturity profile once the tasks in progress / underway are completed.	GM F&CS	In Progress	There are still a couple of tasks remaining. Following their completion, a further review will be undertaken.	October 2021
Council 26.05.20	<b>Results of 2020 NRB Survey</b> Elected Members agreed to review the way in which Council engages community satisfaction.	GM F&CS	Pending	Staff will review how to measure community satisfaction for 2022-2023 and report to Council.	October 2021
Council 21.05.21	<b>Ordinary Council</b> Elected Members would like the Office of Treaty Settlement houses to be raised again.	CEO	In progress		September 2021
Council 21.05.21	<b>Action Schedule</b> His Worship the Mayor requested incontinence disposal units be installed in male toilets. <u>Consideration of Submissions to the LTP 2021 – 2031 Consultation Document – 29.06.21</u> Elected Members requested that improvements be made to public toilets; including Mirrors, disposal bins, hooks, seating, disability access.	GM O&S	Completed	Incontinence disposal units have been purchased and installed. Servicing of units will be in-house.	Complete
Council 27.07.21	<b>Extraordinary Council Meeting</b> Elected Members requested that processes for Maori wards and constituencies with general wards and constituencies be conveyed to public.	C&EM	In progress	Disposal bins have been purchased and installed. Mirrors and seating are being evaluated then installed in September.	September 2021
R&S 17.08.21	<b>Monthly Report - Regulatory and Planning Services</b> Chief Executive Officer to inform Council when the expressions of interests are called for the District Licensing Committee nominations.	CEO	Pending	MFCS will confirm with Electoral Officer re: changes made to the Act before informing the Public.  Discussions have commenced with the other Councils in the Joint Committee.	Following Council meeting  October 2021

**Completed Items**

Meeting Date	Action	Comments
R&S 16.07.19	<b>Earthquake Prone Buildings</b> The Committee expressed a desire to understand what was required for Rautahi Marae and then to discuss the issues with Trustees.	A CDEM workshop was held following the June R&S Meeting. CEO and CDEM Local Controller met with Rautahi Marae Chair on Monday, 16 August. An update was provided to Elected Members at the August Council.
R&S 15.06.21	<b>Monthly Report - Operations and Services</b> 1. Contractors fencing needs to be removed from where work has been completed. An update is required in a fortnights time as to why independent contractors fencing is still up. 2. Markings to be completed on Speedhump in front of 135 River Road. 3. An update to Council on the recycling shed, including a list of delayed works and an explanation why the work has been delayed.	Fencing was removed. The fencing was still up to fence off the retention wall at the BMX track that had given way.  Markings completed.  An update was given to Elected Members; that staff are waiting for materials to arrive.
CONF Council 29.06.21	<b>Maurie Kjar Swimming Pool Complex Office Building</b> Elected Members requested a breakdown of costings for the entrance and office building.	A breakdown was provided in the Operations & Services Monthly report.
R&S 14.09.21	<b>Monthly Report - Economic and Community Development</b> Members requested staff find out if the Intercity bus service was based out of Auckland.  That the Kawerau Youth Council are acknowledged in the next Community Update for their efforts in organising a challenge of videoing physical activity by residents in Stoneham Walk.	Intercity Bus service ceased during AL4 and AL3 due to travel boundaries. At AL2 Intercity has reduced its services.  An acknowledgement to the Kawerau Youth Council has been placed in the September Council Newsletter.

**Meeting** Council  
**Meeting Date:** 28 September 2021  
**Subject:** His Worship the Mayor's Report  
**File No.** 101400

**1 Purpose**

The purpose of this report is to outline meetings, functions and events that I have hosted, attended and/or participated in from the period Wednesday, 25 August to Tuesday, 21 September 2021.

**August**

- Elected Member Update - Council services at Alert Levels 4-3, via Zoom
- Council Meeting, via Zoom
- Bay of Plenty Mayoral Forum meeting with Hon Dr Megan Woods, via Zoom

**September**

- Mayors Taskforce for Jobs Community Recovery Programme, via Zoom
- Informal Catch-up with Eastern Bay Mayors, Chair and CE's, via Zoom
- Elected Member Update - Council services at Alert Levels 3-2, via Zoom
- Monthly Catch-up with Generation Homes, via Zoom
- Monthly Regulatory & Services Committee Meeting
- Extraordinary Meeting
- Opening of Kawerau Bowls
- Council Workshop

**2 RECOMMENDATION**

That His Worship the Mayor's report for the period Wednesday, 25 August to Tuesday, 21 September 2021 be received.



Malcolm Campbell, JP  
**Mayor**



**Meeting:** Council

**Meeting Date:** 28 September 2021

**Subject:** **Determination of Representation Arrangements for the 2022 and 2025 Council Elections**

**File No.:** 110400

## **1 Background**

Council is required to undertake a review of its electoral system (First Past the Post or Single Transferable Vote) and representation arrangements at least every six years. Council may also consider whether to establish Maori wards.

Council resolved at its meeting 28 July 2020, to retain First Past the Post, and not to establish Maori Wards, for the 2022 and 2025 council elections.

Council next considered the representation arrangements for the 2022 and 2025 elections at the extra-ordinary meeting 13 July 2021, which included:

- The number of councillors
- The establishment of wards (around communities of interest)
- The establishment of communities and community boards

Council resolved to retain the status quo, with 8 councillors plus Mayor, and no wards or communities.

Submissions were then invited on these representation arrangements, with the period for submissions closing Friday 27 August 2021.

## **2 Submissions**

Council received 11 submissions in total. Nine requested Council establish Maori wards, one asked for a community board to be established and 1 was withdrawn.

The following table lists the submitters:

<b>Submitter</b>	<b>Issue</b>	<b>Spoke to submission</b>
Dot Mareroa	Māori Wards	Yes
Davina Thompson	Māori Wards	No
Louise Hiwarau	Māori Wards	Yes
El Alamein Tunui	Māori Wards	Yes
Helen Sisley	Māori Wards	Yes
Veronica Rolinson	Māori Wards	Yes
Wiremu Kuka	Māori Wards	Yes
Heather Murphy	Māori Wards	Yes
Allan Clarke	Community Boards	No
Jonathon Te Rire	Māori Wards	Yes

### **3 Options**

There were nine submissions requesting that Council establish Maori wards for the 2022 elections. However, the timeframe for making a decision on whether to have Maori wards for the 2022 Council elections has past. This decision had to be made by 21 May 2021 –refer to Local Government Electoral Amendment Act 2020 (appendix).

However, due to the level of interest, Council can decide to reconsider the issue for the 2025 Council elections.

There is one submission requesting that Council establish a community board comprising 6 members and representing the whole district.

So Council can either:

- Confirm the decision to: retain 8 councillors (and a Mayor), with no wards and no community board(s)
- Establish a community board and retain 8 councillors (and a Mayor) elected at large

### **4 Policy and Legal Considerations**

Council must undertake a review of its representation arrangements at least every six years. This review includes:

- Whether councillors are to be elected at large or from 2 or more wards (or a mix of wards and at large)
- The number of councillors (and how many for each ward if wards are established)
- The boundaries and names - if wards are established
- Whether there should be communities and community boards (and the boundaries for these community boards)

Council has undertaken the required representation arrangements review and initially resolved to retain the status quo. Council must now determine if it will make any amendments to these representation arrangements following consideration of the submissions.

### **5 Risks**

There are no notable risks identified with the representation submissions.

### **6 Financial Considerations**

If Council were to establish a community board there would be additional resourcing required to provide the necessary administration and secretarial support for this board. The remuneration of community board members – if one was established, would come from the remuneration pool that is currently allocated for elected members salaries.



## 7 Significance and Engagement

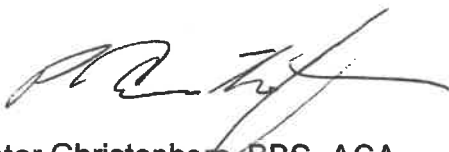
Council's proposed representation review arrangements for the 2022 and 2025 Council elections have been consulted on in accordance with the requirements of the Local Electoral Act 2001. It is appropriate that Council now considers and makes determinations in relation to its proposals and the submissions made.

## 8 Appendix

- 8.1 Local Electoral Amendment (Maori Wards and Maori Constituencies) Act 2021 – showing that Maori wards had to be decided by 21 May 2021 for the 2022 Council elections.
- 8.2 Submissions received on Council's representation arrangements review for 2022 and 2025 Council elections.

## 9 RECOMMENDATIONS

1. That the report "Determination of the Representation Arrangements for the 2022 and the 2025 Council Elections" be received.
2. That Council retains for the 2022 and 2025 Council elections:
  - 8 elected members and a Mayor
  - All members are elected at large (no wards established)
3. That Council determines whether to establish a community board comprising 6 members for the 2022 and 2025 Council elections.
4. That Council reconsider the issue of Maori wards for the 2025 Council elections prior to 23 November 2023.



Peter Christophers, BBS, ACA

**Group Manager, Finance and Corporate Services**

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New Zealand Legislation  
**Local Electoral (Māori Wards and Māori  
 Constituencies) Amendment Act 2021**



**Local Electoral (Māori Wards and Māori Constituencies)  
 Amendment Act 2021**

Public Act 2021 No 3

Date of assent 1 March 2021

Commencement see section 2

**Contents**

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|   | 5AA Transitional, savings, and related provisions  |
| 5 | Section 9 amended (Holding of referendum)  |
| 6 | Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies) |
| 7 | Sections 19ZA to 19ZG repealed   |
| 8 | Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)  |
| 9 | New Schedule 1 inserted  |

**Schedule**

**New Schedule 1 inserted**

Legislative history

Administrative information

**The Parliament of New Zealand enacts as follows:**

- |          |  |
|----------|--|
| <b>1</b> | <b>Title</b><br>This Act is the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021. |
| <b>2</b> | <b>Commencement</b><br>This Act comes into force on the day after the date of Royal assent.                |
| <b>3</b> | <b>Principal Act</b><br>This Act amends the Local Electoral Act 2001 (the principal Act).                  |

#### **4 New section 5AA inserted (Transitional, savings, and related provisions)**

After section 5, insert:

##### **5AA Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

#### **5 Section 9 amended (Holding of referendum)**

Replace section 9(7) with:

- (7) The result of a referendum conducted as a consequence of a direction under this section is not binding on a local authority—
- (a) in the case of any matter or proposal relating to the division of any district or region into 1 or more Māori wards or Māori constituencies; or
  - (b) in any other case, unless the local authority resolves otherwise or an enactment provides otherwise.

#### **6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)**

(1) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under this section takes effect.

(2) Replace section 19Z(4) with:

(4) This section—

- (a) is subject to clauses 2(5) and 4(4) of Schedule 1A; and
- (b) does not apply in relation to a territorial authority or regional council if another enactment requires,—
  - (i) in the case of a territorial authority, that the district be divided into 1 or more Māori wards; or
  - (ii) in the case of a regional council, that the region be divided into 1 or more Māori constituencies.

(3) In section 19Z(5), delete “and in sections 19ZB to 19ZG”.

#### **7 Sections 19ZA to 19ZG repealed**

Repeal sections 19ZA to 19ZG.

#### **8 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)**

In section 138A(1),—

- (a) replace “section 19ZF(3), section 33(3),” with “section 33(3)”; and
- (b) delete “section 19ZC(5), section 19ZD(4),” in each place; and
- (c) delete “section 19ZF or” in each place.

#### **9 New Schedule 1 inserted**

Insert the Schedule 1 set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

## **Schedule New Schedule 1 inserted**

s 9

## **Schedule 1 Transitional, savings, and related provisions**

s 5AA

# Provisions relating to Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

## 1 Definitions

In this Part, unless the context otherwise requires,—

**amendment Act** means the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

**commencement date** means the date on which the amendment Act comes into force

**transition period** means the period beginning on the commencement date and ending on 21 May 2021.

## 2 Territorial authority or regional council may resolve during transition period to establish Māori wards or Māori constituencies for next triennial general election

- (1) Any territorial authority may resolve at any time during the transition period that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve at any time during the transition period that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under subclause (1) or (2)—
  - (a) may be made despite any poll held under section 19ZF before the commencement date; and
  - (b) takes effect for the purposes of the next 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under section 19Z takes effect.
- (4) This clause—
  - (a) is subject to clauses 2(5) and 4(4) of Schedule 1A (as if this clause were in Part 1A of this Act); and
  - (b) does not apply to Bay of Plenty Regional Council (*see* the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001).
- (5) In this clause, **associated election** has the same meaning as in section 19Z.

## 3 Territorial authority or regional council may revoke resolution made under section 19Z before commencement date

- (1) This clause applies to a resolution of a territorial authority or regional council made under section 19Z at any time during the period—
  - (a) commencing on 13 October 2019; and
  - (b) ending on the day before the commencement date.
- (2) The territorial authority or regional council may, at any time during the transition period, revoke the resolution.

## 4 No poll may be demanded on or after commencement date to countermand resolution made under section 19Z before commencement date

- (1) This clause applies in relation to a resolution of a territorial authority or regional council made under section 19Z before the commencement date.
- (2) No demand for a poll to countermand the resolution may be made under section 19ZB on or after the commencement date despite any public notice having been given under section 19ZA by the territorial authority or regional council before the commencement date of a right to demand a poll.

## 5 Demand for poll by electors under sections 19ZB and 19ZC before commencement date must be disregarded on commencement date

- (1) This clause applies if—
  - (a) a territorial authority or regional council receives a demand for a poll made in accordance with sections 19ZB and 19ZC before the commencement date; and
  - (b) the poll has not been held as at the commencement date.
- (2) The demand must be disregarded on and after the commencement date.
- (3)

The chief executive of the territorial authority or regional council must not give notice to the electoral officer of the demand on or after the commencement date.

- (4) An electoral officer for a territorial authority or regional council who, before the commencement date, receives notice under section 19ZC(5) of a demand for a poll must not give public notice of the poll on or after the commencement date.

**6 Resolution of territorial authority or regional council made under section 19ZD before commencement date ceases to have effect on commencement date**

- (1) This clause applies to a resolution of a territorial authority or regional council under section 19ZD(1) if—
- (a) the resolution was made before the commencement date; and
  - (b) the poll has not been held as at the commencement date.
- (2) The resolution ceases to have effect on the commencement date.
- (3) An electoral officer who, before the commencement date, received a notice under section 19ZD of a resolution that a poll be held must not give public notice of the poll on or after the commencement date.

**7 Electoral officer must give public notice that any poll announced before commencement date will not be held**

- (1) This clause applies to an electoral officer who, during the period of 89 days before the commencement date, gives public notice of a poll in accordance with section 19ZF(1).
- (2) The electoral officer must, as soon as practicable after the commencement date, give public notice that the poll will not be held.

**Legislative history**

5 February 2021	Introduction (Bill 6-1)
9 February 2021	First reading and referral to Māori Affairs Committee
15 February 2021	Reported from Māori Affairs Committee
23 February 2021	Second reading, committee of the whole House, third reading
1 March 2021	Royal assent

This Act is administered by the Department of Internal Affairs.



**Kawerau District Council Representation Review**  
Submission Closing Date 27 August 2021

<b>Submitter</b>	<b>Submission re: Representation Review</b>	<b>Action / Response</b>
Dot Mareroa	<p>My name is Dot Mareroa and through my father I whakapapa to Tūwharetoa i te Aupouri. I am a local resident of Kawerau and registered on the Maori electoral role.</p> <p><b>My Submission</b></p> <p>This submission is in response to the Council's recent resolution to keep the status quo that Kawerau will be represented by one Mayor and 8 Councillors with no community boards or wards. I am strongly opposed to the Council's resolution because of the following key points:</p> <ol style="list-style-type: none"> <li>1. The Council should have conducted an open and transparent consultation process with those people on the Maori electoral role whose interests will be directly affected as a result of the establishment/non-establishment of Maori wards.</li> <li>2. Maori wards are the only formalised mechanism that <b>guarantee</b> Maori representation and input into Council decision making processes.</li> <li>3. Although Kawerau has broad representation on the Council today, it doesn't mean we will continue to have broad representation in the future.</li> <li>4. Having Maori voted onto the Council through a democratic process does not necessarily mean that they are representing the perspectives and aspirations of whānau, hapū and iwi.</li> </ol> <p><b>My Recommendation</b></p> <p>That the Council rescind their resolution and review the KDC Representation Arrangements after having consulted with those people on the Maori electoral role.</p> <p>I would like the opportunity to speak at the Council meeting on 14 September 2021 so that I can provide further comment to the key points I have noted above.</p> <p>Nāku iti noa, nā Dot Mareroa</p>	
<b>Submitter</b>  Davina Merepeka	<p><b>Submission re: Representation Review</b></p> <p><b>Position Statement</b></p> <p>I Davina Merepeka Thompson strongly support the implementation of Maori ward representation on the Kawerau District Council. It is my opinion that Maori representation on Kawerau Council is movement towards government obligations under Te Tiriti o Waitangi to put a mediator/s in place who will be accountable to both local government and Tangata Whenua within the legal scope and safety of recent LGNZ legislative changes. I ask that Kawerau District Council reconsider its position and allow Maori Ward representation as Iwi/Hapu/Mana Whenua make up the largest representative percentage in Kawerau.</p>	<b>Action / Response</b>

### **Introduction**

I wish to raise the following matters.

1. Representation of Maori population in Kawerau.
2. Council consultation. Opportunities for participation in Council activities.
3. Council response - against.
4. Maori perspective outcomes.

### **Response**

1 (a) According to Statistics NZ 2018, Kawerau's population was 7146. Our Maori ethnic group represented 61.7%. Of Maori descent 63.3%. These demographics suggest that Maori representation is needed and should be a consideration.

2 (b) I feel that the council lacked the due processes that would have initiated good consultation mechanisms to inform the Kawerau community of how and why Maori representation had been deemed important. To add further, the community were not told who council collaborated with to deem that Maori Wards were not needed. If a Maori ward was established, they would represent not only Iwi but Hapu/Mana Whenua and would consult with the community as required under the local government Act.

3 (c) Although council believe their is broad Maori representation in chamber, they have based their response on current voter representation towards themselves. This can easily change in any future elections given that voting is not static (nor can it pertain to be). It would be of utmost importance that Maori Ward representation be reconsidered because of this.

4 (d) Tikanga Maori and Matauranga Maori via Maori Ward representation could become guiding principles. Maori perspectives could be hugely beneficial when considering conservation.

### **Recommendations**

I recommend that council reconsider their position to include Maori Ward representation at the 2022 elections and that they will consider that Maori representation is warranted because Maori make up the largest demographic in Kawerau. I also ask that council consider their obligations under Te Tiriti of Waitangi as we move forward in this journey and that Hapu/Tangata Whenua be given the chance to participate in decision making along with Iwi administration representation who already have the availability to liase with council.

### **Summary**

I will summarise with two very meaningful statements.

"As part of the Government's commitment to working to honour Te Tiriti o Waitangi, we need to do our part to enable councils to achieve fair representation." - Nanaia Mahuta



	<p>Mission Statement: To promote the social, economic, environmental and cultural wellbeing of the Kawerau Community - Kawerau District Council</p> <p>Thank you for the opportunity to submit. Davina Thompson</p>	
<p><b>Submitter</b> <b>Louise Hiwarau</b></p>	<p><b>Submission re: Representation Review</b></p> <p>To Mayor Malcolm Campbell, Deputy Mayor Faylene Tunui, Councillor Carolyn Ion, Councillor Warwick Godfrey, Councillor Berice Julian, Councillor Sela Kingi, Councillor Aaron Rangihika, Councillor Rex Savage and Councillor David Sparks,</p> <p>While I suppose it most likely would have been more appealing to flatter you today about how much of a good job you have all done thus far, you know because I am of the impression that yes, you have all done a good job in many aspects and I do acknowledge the progress you have all been instrumental in bringing about; However, that's not what I am writing to discuss. So arohamai, you'll just have to bear with me through this next part. Before I start though, I would like to let you all know that I very much regret having to write this letter and I mean what I say with no disrespect to you as individuals. Just please understand given the circumstances, this was necessary.</p> <p>I write to you today in regard to the Kawerau district councils' decision not to establish a Maori ward or a Maori constituency; which is my preferred term. ( So just as a side note before I go on the word constituency in this context is equivalent to the word ward). To be honest when I heard the news and got word it was official that this council made a decision behind closed doors not to establish a maori ward ahead of the 2022 local elections; I was so pissed off! Excuse my French but that's how I felt. I wasn't surprised though. Prior to this I had already had a few words with councillor Godfrey at Te Whata Tau O Putauaki 2020 end of year school prizegiving where he briefed me on the council's stance. At that time, I thought to myself, "Is that right? Well, I shall see about that". In my mind I knew before any decision is made Council is required by law to consult with the public. It was my understanding that the process had to be democratic. Initially I was anticipating attending a formal event hosted by council specifically to discuss establishing a maori constituency etc. I was hoping to hear the views of current councillors and anyone else of interest who maybe for or against. Basically, I was looking forward to a conversation. I really believed that I'd get the opportunity to speak on the matter before council reached a decision. This was my thinking at the beginning of December 2020. You see, the thing about me is I'm genuinely interested in public policy. I pay attention to governance and anything to do with law and order. Especially when it concerns maori development.</p> <p>In the full report of the 2021 Representation arrangements review it states, "The current arrangements, the mayor and 8 councillors elected at large were established in 2003 and confirmed as appropriate at subsequent reviews, including the 2015 review". With that I question, how true and accurate is this statement given it was determined in 2003? Its 2021 now, times</p>	<p><b>Action / Response</b></p>

have changed and just how much public consultation went into the 2015 review? Or was that just copied and pasted like how much of the LTP report was? And to my next point, I would like to mention mayor Campbell, you yourself know that half the maori people who live in town don't vote. In your words, "You'd have a hard time trying to get 30% of maori to vote". So how can council even be of the opinion that they have been elected by the electors of a district as a whole when a mere proportion of the community participate. When we're being told "The mayor and 8 councillors elected "at large", the use of the word at large becomes questionable. It is my opinion that this councils' views best reflect only the views of the majority of the voting population in town who are in your words "older white woman". Now with all that in mind- Explain to me, how exactly does the councils initial representation proposal best reflect the districts shared community of interest? I would also like to highlight the part where it states, prior to undertaking the representation arrangements review, two other issues require council consideration- the choice of electoral system and whether maori wards are introduced. Both of these issues were considered by council on the 28th of July 2020 where it resolved to retain the first past the post (FPP) electoral system and not to introduce maori wards ahead of the 2022 triennial elections. Now, explain to me how this happened? Did you lot just get together and decide, nah we're not going to introduce a maori ward and you know what we're not even going to notify the public. I mean what is up with the councils' style of governance? To be honest it seems to me that council have acted very discreetly when it comes to the subject of maori wards, and given the councils premature decision made back on the 28th July 2020 and the lack of public consultation on the matter; I am led to believe yes, council have acted irrationally and not in a manner appropriate with the rules and regulations of the local government act 2002.

To make things worse, the day I found out I was at work. The news was just getting slapped in my face left, right and centre. July 14th-Kawerau not to establish a maori ward. But I was ok though because I'm boss in my approach and was always taught to be the bigger person. Plus, I'm a firm believer in robust conversations. Anyhow when I got home obviously, I investigated further and I come across an article by Charlotte Jones from RNZ Te Ao Maori news that was published a day before July 13th 2021 to be exact. And that's where I read about it, the councillors views etc which really not good enough. Why should I have to find out through an article posted by someone who's not even from our town. Council has the means to publicly address the community, so why did you choose not too?

There are so many issues I have in regard to the council's standard practise and the way in which council chooses to conduct their affairs. To me, the way this has played out is criminal. As far as I'm concerned, your efforts in exercising democracy have been piss poor. You have all demonstrated appalling behaviour when it comes to the conversation about Maori wards. To our hoa rangatira who sit before me today, how dare you allow this to carry on. When I cast my vote, I believed with you in their things will be different. I believed that you'd let us know if anything important happens. And how wrong was I. Where is your whakamanatia for our people?

To me when we talk about establishing a maori ward or maori constituency we are also recognizing everything leading up to this point. Revisiting the past and acknowledging our tipuna

who were champions in fighting for our sovereignty. This is not just any subject. This conversation deserves to be treated with respect. We would've hosted a hui and set the scene for a respectable conversation to take place. The least I expected was for council to host some type of formal consultation process before deciding.

At the LTP meeting where maori were yet again under represented, I asked council what was there stance and for a moment there you all paused. Then councillor Ion took it upon herself to respond, stating quote, " I think I'll be the best person to probably answer that question". And to be honest I was not satisfied with that response. It felt like there was a degree of uncertainty at that time plus it wasn't the platform for that specific topic. Feedback was minimal and limited to the views of councillor Jullian and councillor Ion. And at the end of the day this just wasn't good enough full stop.

And so, I wrote a letter and sent it via email to the council office on the 19th July 2021. Then the 21st came and I had no reply so I forwarded it to the email addresses of all the councillors. I'm pleased to note that I received a reply and it was an invitation to meet with mayor Campbell and a few of his councillors to discuss some of the matters I raised. I'm thinking yes, finally I'll get the opportunity to hear straight from the horse's mouth kano ki te kano. And since that conversation on the 28th of July 2021 exactly one year on since council prematurely decided not to introduce a maori ward, I've had a lot to think about. To me mayor Campbell your claims that you affiliate to ngati rangitahi and tuhoe doesn't really mean anything. I too affiliate to tuhoe. My kuia was born and raised in waikaremoana. That place is her hau kainga. And deputy mayor Tunui, I'm not worried about whether you know my mum or who my uncles are. My concern is about fair representation and equal opportunity for all.

Under the local government act 2002 the purpose of local government is 1(a) to enable democratic local-decision making and action by and on behalf of communities; and (b) to promote the social, economic, environmental and cultural well-being of communities in the present and future.

Now tell me, how have any of you the elected members acted to enable local decision making? What have you done to engage with the community? I was present virtually when Kataraina Macown from audit nz presented council with audits findings. I heard the part where she mentioned council was in breach of the local government act 2002 where she states council could have done better. So, I guess my question now is where to from here? Is council going to do their due diligence and lead change or are you going to force me to have to appeal against the decision?

For me establishing a maori constituency is about building partnership and strengthening the relationship between tangata whenua and tangata tiriti. It's about honouring the values and principles of Te Tiriti O Waitangi. Plus, I believe establishing a maori ward would enhance the

	<p>prosperity of all maori in our community. I understand that there are many people out there who see establishing a maori ward as having no mana but like I said before, times have changed.</p> <p>Our people need this. A window of opportunity still exists here, where council have the ability to give fair representation to the very people who have been under represented since the signing of the treaty. I also believe it is wrong for council to presume that there is no appetite for change, especially when you have done nothing to explore that idea.</p> <p>From this moment on, all I ask is that council act in an open and transparent manner. Especially when it concerns maori. The tides have changed and the way in which we do things are expected to evolve also. I expect better from you all.</p> <p>Nga mihi nui, Louise Kaihau Hiwarau</p>	
<p><b>Submitter</b></p> <p>El Alamein Thunder Tunui</p>	<p><b>Submission re: Representation Review</b></p>	<p><b>Action / Response</b></p>
	<p>Tena Koutou,</p> <p>In July 2021 I asked the kawerau district council where do I vote for the maori wards. In response the district council said: A decision was made in 2020 by the councillors not to establish maori wards.</p> <p>I was gutted. Many families, our neighbours who live on our street, friends and work colleagues were so disappointed and hurt. Why? Because once again we have been excluded from making important decisions. We as tangata whenua should be there at that table.</p> <p>Under the Treaty of Waitangi it talks about 'Partnership'. It seems like it's going only one way.</p> <p>I believe the council made an important decision without consulting or notifying Iwi, hapu and the community. How come this decision was made quickly? How are we suppose to trust your decisions. You have given no room or time for the people of Kawerau to make informed decisions.</p> <p>We should be part of the decision making to shape the future of my community, which we are not. We have the right to an opinion and I have the right to vote as a Maori voter. But you took that away from us without consulting and notifying our families.</p> <p>The Maori wards is more than just Maori representations. It's also making those decisions about our TAI/O our natural environment. Looking through Maori lens with a Maori view will help councillors and our community understand the uniqueness.</p> <p>We are natural kaiitiaki. Papatūānuku is there for us all, to eat from, to live from, to nurture us and to learn from. It's for our children, mokopuna and generations to come. At the rate of things going</p>	

	<p>on now there will be nothing left. Everything is poison the water, spraying. Our Tipuna would be turning in their graves if they saw the destruction of Papatūānuku. We are watching everything disintegrate in front of our eyes.</p> <p>This would of have been the best opportunity for the local Govt to strengthen those ties with Tangata whenua through participation, inclusion and Protection. Acknowledging and valuing the people of the land is Part of the way forward.</p> <p>I hope that you as councillors revisit your decision that was made in 2020 in not establishing maori wards.</p> <p>Ei Alamein Thunder Tunui</p>	
<b>Submitter</b>	<b>Submission</b>	<b>Action / Response</b>
<b>Helen Sisley</b>	<p>Acknowledgements to Mayor and Councillors.</p> <p>As a youngster it was exciting to be able to walk around our community freely picking watercress and puha in and around the once pure streams that flowed freely for all to enjoy.</p> <p>However, we can't do that anymore everything has been sprayed with poison Why???</p> <p>Is it a lack of education, or disrespect to our people Tangata Whenua natural food and resources have been destroyed.</p> <p>Perhaps to better understand Papatuanuku, our earth mother who gives unselfishly and abundantly of her land and resources to us to nourish and thrive in order for us to leave a legacy for generations to come.</p> <p>So in saying that, A necessity is sought to have Maori wards in my opinion in Kawerau council which makes up a vital component of this council.</p> <p>It is obvious that a greater understanding to operate and supply the necessary needs which is essential to the sustainability of good health to all people in this community are not present, therefore, having Maori Wards will not only educate other parties but share in the responsibilities with Tangata Whenua in the decision making, at the moment only one voice is been heard we need two voices in equal decision making our voice is important too.</p> <p>So in closing, I ask the council be fair and vote for Maori wards and let's move ahead as one which is a quote commonly used when the source of power sways to one side. Kia ora thankyou for giving me this time to talk.</p>	

Submitter	Submission	Action / Response
<p><b>Valarie Reid</b></p>	<p>Kia ora</p> <p>I Valarie Reid believe we have the right under the treaty act to have Maori Wardens to protect our community and us as Maori would let other cultures work alongside of us to protect our city. I have some little cousins who are teenagers been beaten up in town and now scared to leave home.</p> <p>My neighbour was killed just around New Year's Eve and I was ringing the police often and so was other neighbours, but the Kawerau Police are useless.</p> <p>Our liquor store straight across from the police station got done took ages for the police to arrive and they said they didn't have to attend the job if they didn't want.</p> <p>Our 3 dairy's have been done-over several times and it is like the police and council is not taking things seriously and for our safety.</p> <p>The pubs have had bad behaviour and stuff happen in it and I have witnessed it once when I was at the pokies and it was scary how the boss treated a lady who was trespass[ing] who wanted to use the toilet and her whanau was in there and chuck[ed] the chair and kicked the machine because of the bosses attitude towards his whanau.</p> <p>So this is why I recommend having wardens in our community be good and because the police are short on staff and not open 24/7 here in Kawerau.</p> <p>Sometimes it takes a while for them to arrive at my house as well and I am going through a lot at home.</p> <p>Regards Valarie</p>	
<p><b>Submitter</b></p> <p>Veronica Rolinson</p>	<p><b>Submission</b></p> <p>Position Statement</p> <p>I Veronica Rolinson strongly support the implementation of Maori ward representation on the Kawerau District Council. It is my opinion that Maori representation on Kawerau Council is movement towards government obligations under Te Tiriti o Waitangi to put a mediator/s in place who will be accountable to both local government and Tangata Whenua within the legal scope and safety of recent LGNZ legislative changes. I ask that Kawerau District Council reconsider its position and allow Maori Ward representation as Iwi/Hapu/Mana Whenua make up the largest representative percentage in Kawerau.</p> <p>Introduction</p> <p>I wish to raise the following matters.</p>	<p><b>Action / Response</b></p>

1. Representation of Maori population in Kawerau.
2. Council consultation. Opportunities for participation in Council activities.
3. Council response - against.
4. Maori perspective outcomes.

**Response**

1 (a) According to Statistics NZ 2018, Kawerau's population was 7146. Our Maori ethnic group represented 61.7%. Of Maori descent 63.3%. These demographics suggest that Maori representation is needed and should be a consideration.

2 (b) I feel that the council lacked the due processes that would have initiated good consultation mechanisms to inform the Kawerau community of how and why Maori representation had been deemed important. To add further, the community were not told who council collaborated with to deem that Maori Wards were not needed. If a Maori ward was established, they would represent not only Iwi but Hapu/Tangata Whenua and would consult with the community as required under the local government Act.

3 (c) Although council believe there is broad Maori representation in chamber, they have based their response on current voter representation towards themselves. This can easily change in any future elections given that voting is not static (nor can it pertain to be). It would be of utmost importance that Maori Ward representation be reconsidered because of this.

4 (d) Tikanga Maori and Matauranga Maori via Maori Ward representation could become guiding principles. Maori perspectives could be hugely beneficial when considering conservation.

**Recommendations**

I recommend that council reconsider their position to include Maori Ward representation at the 2022 elections and that they will consider that Maori representation is warranted because Maori make up the largest demographic in Kawerau. I also ask that council consider their obligations under Te Tiriti o Waitangi as we move forward in this journey and that Hapu/Tangata Whenua be given the chance to participate in decision making along with Iwi administration representation who already have the availability to liaise with council.

**Summary**

I will summarise with two very meaningful statements.

"As part of the Government's commitment to working to honour Te Tiriti o Waitangi, we need to do our part to enable councils to achieve fair representation." - Nanaia Mahuta

Mission Statement: To promote the social, economic, environmental and cultural wellbeing of the Kawerau Community - Kawerau District Council.

	Thank you for the opportunity to submit. Veronica Rolinson	
<b>Submitter</b>	<b>Submission</b>	<b>Action / Response</b>
Wiremu Kuka	<p>Tēnā koutou</p> <p>I write to you today in support of a submission that Council revisits their decision against Māori wards. It is my belief the Council jumped the gun by saying there was no requirement for Māori wards recently, and I also believe there was not enough consultation with Kawerau iwi or locals as the public may not fully understand the implications of the speedy change in demographic in Kawerau and what it will mean in future elections.</p> <p>It is true that Kawerau has a good Māori representation on its current elected members board but with more people moving into the region due to more sustainable house prices, Māori representation on Council will most likely suffer because generally speaking it is not Māori who turn up to vote.</p> <p>Therefore, ahead of time and in line with maintaining treaty obligations, we must rally to ensure Māori representation is solidified and a Māori ward will do this, ensuring tangata whenua have a seat and voice at the table, always.</p> <p>Heather Murphy</p>	
<b>Submitter</b>	<b>Submission</b>	<b>Action / Response</b>
Heather Murphy	<p>Tēnā koutou</p> <p>I write to you today in support of a submission that Council revisits their decision against Māori wards. It is my belief the Council jumped the gun by saying there was no requirement for Māori wards recently, and I also believe there was not enough consultation with Kawerau iwi or locals as the public may not fully understand the implications of the speedy change in demographic in Kawerau and what it will mean in future elections.</p> <p>It is true that Kawerau has a good Māori representation on its current elected members board but with more people moving into the region due to more sustainable house prices, Māori representation on Council will most likely suffer because generally speaking it is not Māori who turn up to vote.</p>	



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<p><b>Submitter</b></p>	<p>Heather Murphy <b>Submission</b></p>	<p><b>Action / Response</b></p>
<p>Allan Clarke</p>	<p>The Chief Executive Russell George, Further to your notice of Review Of Representation Arrangement my submission is about the removal of the rate payer ability to form a community or a community board in your document dated the 23 July 2021. I do not support this resolution as it has never been discussed with no consultation with the rate payers from council representation of your district council.</p> <p>Allan Clarke</p>	
<p><b>Submitter</b></p>	<p><b>Submission</b></p>	<p><b>Action / Response</b></p>
<p>Jonathan Hirini Arapeta Te Rire</p>	<p><b>REVIEW OF REPRESENTATION ARRANGEMENTS SUBMISSION FOR THE KAWERAU DISTRICT COUNCIL</b> Ref: KDC response to the Representation Arrangement (Beacon - 23rd July 2021)</p> <p>Kia ora koutou e aku rangatira o te Kaunihera o Kawerau.</p> <p>My name is Jonathan Hirini Arapeta Te Rire. I am a Nationally Ordained Minister of the Presbyterian Church of Aotearoa NZ. Since 2009 I have been an Amorangi of Te Aka Puaho, Te Hinota Māori o te Hāhi Pehipitiriana. I am currently completing a PhD at Te Whare Wānanga o Awanuiārangī, Whakatāne.</p> <p>I am a direct descendent of Tūwharetoa-i-te-Aupouri. The eponymous ancestor of Tūwharetoa ki Kawerau.</p> <p>I also affiliate by whakapapa and birth right to Tūhoe, Te Whānau a Apanui, Te Whakatōhea, Ngai Tai, Ngāti Awa, Tuhourangi and Te Arawa.</p> <p>I am a mokopuna of the late Rev Arapeta and Mihiwai Te Rire. I am the son of the late Rev Te Maungarangi Alfred Albert Te Rire, aka Bunty.</p> <p>I was born and raised in Kawerau during its early pioneering days. I am from Onepu the traditional homelands of the whenua we are standing on today.</p> <p>My submission focuses on three key points:</p> <ol style="list-style-type: none"> <li>1. The Māori communities in the Kawerau District – Territorial Authority area;</li> </ol>	

2. Representation proposal – as per the options offered, i.e. option one – two wards model, and options two and three – the mixed models; and
3. Māori interests and a seat at the decision-making table.

#### *My Position*

I disagree with the Council's view that the small geographical area and low population of the Kawerau District means that there is one community of interest, and that this view means that the single community of interest position of the KDC means that the fairest and most effective basis of election is the elections held at large.

#### *Introduction*

I start with the population of Kawerau, which was 7,146 at the 2018 Census.<sup>1</sup> Of that population 4,407 said they were Māori. The remainder European population was 2,739, with a smaller mix of other ethnicities, i.e., Pasifika, Asian, Middle Eastern/Latin American/African.

1 <https://www.stats.govt.nz/tools/2018-census-place-summaries/kawerau-district>

The Māori community of Kawerau is a mix of iwi that come from the Ngā hau e Whā of Aotearoa NZ. Of that iwi mix is Ngāti Awa, Ngapuhi, Maniapoto, Tūhoe, Kahungunu, Te Arawa, and Te Whakatōhea.

Tūwharetoa ki Kawerau is recognised as the mana whenua.

The Māori community of the Kawerau District has no voice at the Council table. Of the 8 Councilors' and 1 Mayor currently sitting at the KDC table 3 I know are Māori. These 3 Māori councilors do not represent iwi Māori of the Kawerau District. By the next Local Body elections these Māori faces could well be gone.

The ethnic breakdown within the Kawerau District Territorial Authority consist of 61.7% Māori compared to 52.3% European. Those Māori and their worldview and tikanga must be allowed to shape the decision-making within their community.

*My response to the KDC Council Representation as presented in the Beacon, 23 July 2021*

- a) The Council view that because of the small geographical area of the Kawerau District – Territorial Authority that there is one community of interest is incorrect;
- b) The Kawerau District Council is not in a position to make an informed decision on Representation because it is my view that the Council has not been presented with enough information to do so;
- c) The 2018 Census results for Kawerau indicate that 61.7% of the ethnic make-up of Kawerau are Māori, compared to 52.3% who are of European ethnic grouping. So in fact there is another

	<p>community of interest whose voice at the decision-making table must be considered. Those voices are iwi Māori; and</p> <p>d) The Council's view that the single community of interest means that the fairest and most effect basis of election is elections held at large is fraught with errors and misjudgement. Furthermore, to say that the Council's perspective on representation provides a greater diversity of views around the Council table is a view that suppresses the Māori voice of Kawerau. I struggle to see how the Council's singular collective view of the current Kawerau District representation provides diversity.</p> <p><i>My Recommendations</i></p> <ol style="list-style-type: none"> <li>1) That Māori of the Kawerau District comprising of the area in SO Plan 57977, of which 61.7% are Māori, be given the opportunity to choose the representation option that best reflects their standing and place in the Kawerau District and community;</li> <li>2) That the Council resolution to continue with the present representation arrangements is changed to consider the three representation options mentioned previously. The options being: a. The Two Wards model; and/or       <ol style="list-style-type: none"> <li>b. An option to choose one of the two Mixed Models; and</li> </ol> </li> <li>3) That the 61.7% Māori voice must have an opportunity to be sitting at the Kawerau District Council table. They must be part of any decision-making that affects their presence and standing in the community.</li> </ol> <p><i>In Summary</i></p> <p>The Kawerau District Council (KDC) has not given the community of Kawerau an opportunity to consider, debate and make an informed decision as to what is best for them in the Representation space. In fact, the KDC has made the decision for the Kawerau District community themselves and with minimal consultation.</p> <p>Jonathan Hirini Arapeta Te Rire</p>
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**Meeting:** Council

**Meeting Date:** 28 September 2021

**Subject:** 2021/22 Carry Forwards and Budget Approval

**File No.:** 201000

**1 Background**

The 2020/21 financial year included a significant number of capital and “must do” tasks. Some of these projects were not completed by 30 June 2021, mostly as a result of the ongoing impact of the COVID-19 lockdown.

For these projects to be completed and have a budget (revised), Council will need to approve to carry forward both the cost and funding for each item to the 2021/22 year.

**2 Proposed carry forwards for 2021/22**

Capital projects - carried forward

The following are capital projects that did not get completed during 2020/21 and staff request approval for them to be carried forward to 2021/22:

<b>Project</b>	<b>Amount</b>	<b>Funding Source</b>
Town Centre Cobblestones	\$80,000	Depreciation Reserves
Pool - Clubrooms	\$80,000	
Pool - Fence	\$50,000	
Pool – Office & Entrance – approved	\$625,000	
Pool – Filtration System	\$50,000	
WWTP – Milliscreens	\$90,000	
Water – Umukaraka Spring flow control	\$59,000	
Zero Waste – recycling shed*	\$15,000	
Netball pavilion	\$600,000	
Library – Shelves & Displays	\$11,000	
Dog Pound	\$640,000	
Firmin Lodge – Acoustics	\$10,000	
District Office – additional cost approved	\$140,000	
<b>Total</b>	<b>\$2,452,000</b>	

\*Increased budget requested due to anticipated cost increases

- Recycling Shed + \$7,000

### 3 Options Considered

Council can:

- a) Approve all of the requested carry forwards;
- b) Approve none of the carry forwards; or
- c) Approve some of the requested carry forwards.

By approving the carry forwards the tasks listed above will be undertaken and the funds allocated.

By not approving the carry forwards, the projects will not occur and the funding will be available for allocation to other projects or to offset future years' costs.

Approving some and not others would allow some tasks to progress and keep some funding for other projects.

### 4 Legal Considerations

There are no legal reasons that prevent Council from carrying forward the expenditure and undertaking the work in the 2021/22 year.

### 5 Significance and Engagement

The carrying forward of these projects is not considered to be significant in terms of Council's Significance and Engagement Policy. These projects were consulted on with the community as part of the 2020/21 Annual Plan and there is the expectation by the community that they will be done.

### 6 RECOMMENDATIONS

1. That the report "2021/22 Carry Forwards and Budget Approval" be received.
2. That the 2021/22 budget is amended to include the following carry forward costs and funding:

Project	Amount	Funding Source
Town Centre Cobblestones	\$80,000	Depreciation Reserves
Pool - Clubrooms	\$80,000	
Pool - Fence	\$50,000	
Pool – Office & Entrance – approved	\$625,000	
Pool – Filtration System	\$50,000	
WWTP – Milliscreens	\$90,000	
Water – Umukaraka Spring flow control	\$59,000	
Zero Waste – recycling shed*	\$15,000	
Netball pavilion	\$600,000	

Project	Amount	Funding Source
Library – Shelves & Displays	\$11,000	Depreciation Reserves
Dog Pound	\$640,000	
Firmin Lodge – Acoustics	\$10,000	
District Office – additional cost approved	\$140,000	
<b>Total</b>	<b>\$2,452,000</b>	



Peter Christophers BBS, ACA  
**Manager Finance and Corporate Services**  
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**Meeting:** Council  
**Meeting Date:** 28 September 2021  
**Subject:** Maurie Kjar Swimming Pool Complex – Geothermal Well  
**File No.:** 407000

## **1 Background**

The Maurie Kjar Pools are heated year round through geothermal energy extracted from the geothermal area next to the Ron Hardie recreational centre. The current well was installed circa 1970 and started to deteriorate in 2015 and produced lower volumes of steam.

By June 2021 the steam volume was insufficient to heat the main pool, and only the spa pool remained operational. The well was re-drilled to remove potential blockages and the steam flow returned to normal (pre-2015 flow volumes). First indications were that the well was in good condition and would be able to operate for another decade. The well however started to release fine sand into the steam the following week which caused operational issues at the pools. The quality of the steam also deteriorated a few days later and the head temperature started to decrease.

An evaluation of the well by geophysicists (kindly supplied by Ngati Tuwharetoa Geothermal Assets Ltd.) indicated that the original pipe has likely started to fail allowing cold water and sand to enter the well near the surface. This would correspond with the blockage removed at 45 metre depth by the well drillers during the re-drill. This slightly reduced the quality of the steam (some water in the steam), however the fine sand caused blockages in the filters and heat exchanger. Furthermore, since the exact location of the failure was not known, continued operation may cause later tomo's (sinkholes) in the geothermal area.

Rotorua Welldrilling was requested to investigate options to repair or replace the geothermal well. Rotorua Welldrilling drilled the original well and is the only operator in the region that can perform this work. Rotorua Welldrilling is used by several geothermal power companies in the region and no other contractor was considered to perform this work.

The well could be thoroughly investigated with a probe to define the exact problem. There is however a significant waiting list for this equipment and the cost of this investigation will be in the order of \$10,000. The likely outcome of this investigation is either to reline the well (there is a failure of the well pipe) or replace the well (there is a failure at the well bottom). The price difference between these two options and the corresponding benefits are such that it is not considered worthwhile for a small well. This would delay the reinstatement of the pools by up to two months.

The options are therefore limited and are detailed in the next section.

## 2 Options

The options considered are therefore as follows:

### 1. Do not heat the pool with geothermal energy

- a. The pool will either become a summer pool and will only operate between November and April. This is the cheapest option and will cost approximately \$5,000 to safely decommission the well.
- b. Or, install a solar heating system. This option, due to time constraints, has not been fully evaluated by staff. It is expected that the summer pool period could be extended to between September and May and a shorter winter closure period will be needed. The pools will need to be covered and pool temperatures will significantly drop in autumn and spring during extended periods of rain or cloudy weather. In order to maintain the advertised open times a secondary heating system will be required. The costs may vary between \$50,000 to \$100,000 and an additional unknown annual cost depending on the level of service Council intends to provide. This option will require a further month for Council staff to fully evaluate, and if selected will not be installed before Autumn 2022.

### 2. Reline the well

The existing well may be relined once, however it will reduce the flow path from 100 mm to 80 mm which will reduce steam production by about 30%. At full production, the well produces excess steam and this reduction will potentially only affect pool temperatures during mid-winter or prolonged cold spells. There is however a small risk that new liner will not be able to fit into the existing pipe due to new protrusions in the current pipe caused by damage occurring after the previous re-drill. This will require the well to be drilled again which carries some risk of total well failure each time the well is drilled. The quoted cost to reline the well is \$36,381 and due to the uncertainty in this work, a contingency of 25% will need to be included in the allocated budget. A budget allocation of \$45,000 will be required to perform this option. The expected lifetime of the relined well, considering its current age is 10 years. This is mainly due to the limited available concrete space between the 100 mm and 80 mm pipes.

### 3. Replace the well

A new well may be drilled in close proximity of the existing well allowing the existing above ground infrastructure to be used again. The new 100 mm well will be drilled to the same depth (80 m), tested and commissioned. All resource consents and notifications will be handled by the contractor. The quoted cost to drill and commission a new well is \$66,247 and due to the uncertainty in this work, a contingency of 10% will need to be included in the allocated budget. This quote includes decommissioning the existing well. There will also be some costs to connect the new well with the existing above ground infrastructure. A budget allocation of \$75,000 will be required to perform this option. A new well has an expected operating life of 25 years, dependent on the geology and fluid composition. Considering the life span of the current well (~50 years), this is considered a reasonable expectation.

This option has been recommended by the contractor and the geophysicists.

#### **4 Policy and Plan Considerations**

Choosing any of the options and any of the listed quotations is not contrary to any of Council's Policies and Plans.

#### **5 Legal Considerations**

There are no Legal Considerations with selecting any of the options and any of the listed quotations and associated works.

#### **6 Significance and Engagement**

Obtaining the Community's views on selecting any of the options that does not affect the pool service delivery levels is not considered necessary.

If by selecting an option that will change the pools service delivery levels, community consultation may be required.

#### **7 Financial Considerations**

All costs for any option selected will be funded from depreciation reserves.

This is an energy related project and is likely to be considered by Trust Horizon for funding. Staff will lodge an appropriate funding request to Trust Horizon if the "Replace the well" option is selected by Council.

#### **8 Conclusion**

The Maurie Kjar swimming pool complex is a significant asset for Kawerau and is utilised by the wider region. It is the only free pool that is available year round. Council is currently investing \$425,000 with an additional \$500,000 of external funding in the pools upgrade, and therefore this work is vital to utilise this investment.

#### **9 RECOMMENDATIONS**

1. That the report "Maurie Kjar Swimming Pool Complex – Geothermal Well" be received.
2. That Council select an option and allocate sufficient funds if applicable:
  - a. Revert the pools to summer only and allocate \$5,000 of funding.
  - b. Explore solar energy options. No immediate funding required.

- c. Reline the existing well and allocate \$45,000 of funding.
- d. Drill a new well and allocate \$75,000 of funding.



Hanno van der Merwe, MSc (Eng), PhD  
**Group Manager, Operations & Services**

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**Meeting:** Council  
**Meeting Date:** 28 September 2021  
**Subject:** Request to Register Existing Geothermal Easements  
**File No.:** 506800

## **1 Purpose**

Council has received a request from Kawerau Geothermal Limited (KGL) to acknowledge and agree to register an existing easement. This report seeks Council approval to proceed with the registration of that easement.

## **2 Background**

In February 2009, Council acquired land in Spencer Avenue as part of a land swap with Norske Skog Kawerau Limited (NST).

Prior to this in 2005, NST, being the previous owner of the Land, entered into an agreement with KGL for the development of geothermal resources in relation to various parcels of land, including what is now the Council land.

On or around October 2007, KGL exercised its right under the agreement to take a pipeline easement over what is now the Council Land (*Easement*) and constructed a subsurface geothermal well under what is now the Council Land for the operations of the Kawerau Power Station

Council then became the registered owner of the land in 2009. The easement however, had not been registered and KGL and NST have now approached Council to correct this oversight.

## **3 Options**

Council's options are as follows:

### a) Approve the request

This corrects an oversight and formalises an arrangement where the pipeline and well are already constructed on the land.

### b) Approve the request but seek compensation

For other easements granted by Council, there has been compensation agreed between the parties. In this case, the request is to correct an oversight to formalise an arrangement that was put in place prior to Council taking ownership of the land.

- c) Not approve the request

There does not appear to be any valid reason to deny the request. The pipeline and well are already in existence and were constructed prior to Council taking ownership of the land.

#### **4 Policy and Plan Considerations**

The options in this report are not included in any Council Policies or Plans

#### **5 Financial Considerations**

The only financial implication is the cost of legal advice on the legal agreement. It is recommended that this cost be met by Kawerau Geothermal Limited.

#### **6 Legal Considerations**

Legal advice has been sought in the drafting of the agreement.

#### **7 Significance and Engagement**

This matter is not considered significant under Council's Significance and Engagement Policy and it is not considered necessary to undertake public consultation.

#### **8 Conclusion**

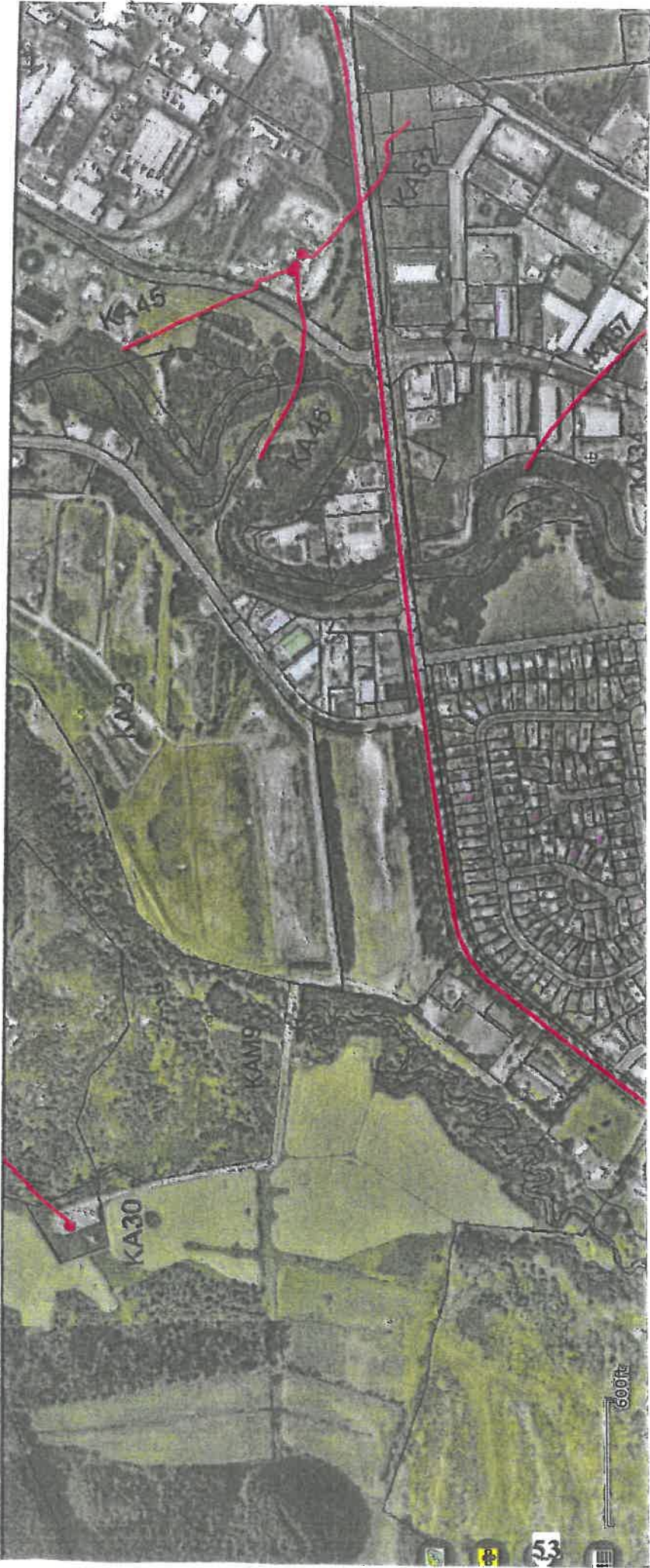
The request from Kawerau Geothermal Limited is to correct an historic oversight. The pipeline and well were constructed prior to Council taking ownership of the land.

#### **9 RECOMMENDATIONS**

1. That the report "Request to Register Existing Geothermal Easements" be received.
2. That Council agrees to the request from Kawerau Geothermal Limited to acknowledge and agree to register an existing easement, subject to legal costs being met by Kawerau Geothermal Limited.



Russell George, CA, MBA  
**Chief Executive Officer**







**Meeting:** Council Meeting  
**Meeting Date:** 28 September 2021  
**Subject:** Three Waters Reform – Formal Response to Proposal  
**File No.:** 401250

## **1 Background**

Central government has embarked on a process to amalgamate the larger Three Water suppliers (that is local government), into a reduced number of 'Entities' that will operate, maintain and expand the Three Waters services in New Zealand.

Details of this process, the work that staff has done to evaluate the proposal, and its potential effects on Kawerau District Council, the District and its residents have been discussed with elected members during workshops in July and August 2021 and are not repeated here.

Central government requested from the District Councils, Regional Councils and other unitary Councils to consider the proposal and provide formal feedback to the minister. An eight-week period was allocated to evaluate the proposal and submit a formal response.

Council staff drafted a letter which was presented to the Elected members during a workshop on 21 September 2021. All comments and suggestions made by the elected members were incorporated into the final version.

Due to the significant impacts the Three Waters Reform will have on our constituents, Council sought feedback from the community during the first three weeks of September. During this feedback seeking process, Council has been mindful to advise residents and ratepayers to consider all the information from the Government, Local Government New Zealand and the Council. The responses are summarised in an attachment to this letter. In total 210 submissions were received: three in favour of reform, 195 against and 12 responses with questions. The key comments and questions are listed as an appendix to this report along with the feedback.

## **2 Community Feedback**

Due to the significant impacts the Three Waters Reform will have on our constituents, Council sought feedback from the community during the first three weeks of September. During this feedback seeking process, Council has been mindful to advise residents and ratepayers to consider all the information from the Government, Local Government New Zealand and the Council. The responses are summarised and will be attached to the letter

Please find attached the summary.

## **The Response letter**

The response letter is attached for your approval or final comments.

### **3 Attachments**

The following attachments will be attached to the letter:

1. The community feedback (also attached here).
2. The Castalia report.

### **4 RECOMMENDATIONS**

1. That the report “Three Waters Reform – Formal Response to Proposal” be received.
2. That Council note any final changes or recommendations to be made to the letter and attachments.
3. That Council approve the letter and the attachments (pending all corrections have been made) and authorise the mayor to sign the letter.



Hanno van der Merwe, MSc (Eng), PhD

**Manager, Operations & Services**

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30 September 2021

Hon Nanaia Mahuta  
Minister of Local Government  
Parliament Buildings  
WELLINGTON 6160

Tēnā koe e te Minita - Dear Minister

### **Te Whakahōutanga o Nga Wai e Toru- Three Waters Reform**

We hereby formally respond to your request to comment as a Council on the proposed Three Waters Reform. Kawerau District Council (Council) at this point in time do not wish to “Opt in” or “Opt out” of the reform process, but rather present our and our community’s concerns regarding the proposal. We hope that our feedback will assist the Ministry of Local Government and the Department of Internal Affairs to work with Council and our community to develop a proposal that works for everyone.

The purpose of Council is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.

Council sees the value and greatly supports reform, not just in Three Waters, but also in Transportation, Education, Health, Housing and many other functions that local and central government perform. However, all meaningful reform requires careful consideration to ensure it does indeed improve life for Kawerau ratepayers in particular and New Zealand residents in general.

Kawerau is a unique community in NZ, consisting of approximately 62% Maori residents and falling in the lowest socio-economic decile. The cost of supplying Three Waters services to our community forms a significant part of their rates, which in turn forms a significant part of their annual expenses. The Kawerau community is therefore more vulnerable to cost increases than the average New Zealand resident. Equally, for all our residents and ratepayers water is of particular significance.

Council supplies all drinking water in the District. There are no private drinking water suppliers in the District. Likewise, Council provides all domestic, commercial and light industrial sewerage services, as well as manages all the stormwater systems in the Kawerau District. The heavy industries located in Kawerau District manage their own industrial effluent under individual resource consents.

Council is the lowest cost provider in the Entity B region and one of the lowest cost providers of quality Three Water services in New Zealand. Kawerau District Council is the only Council with no debt and one of only five Councils who have no Three Waters related debt. Council currently has \$7.0m of Three Waters depreciation reserves.

## Analyses of the WICS evaluation

Council provided the key information describing Kawerau Three Waters infrastructure, operations and services to the Department of Internal Affairs during the 2020 Request for Information exercise. This information, together with assumptions based on Scottish Water was modelled by the Water Industry Commission of Scotland (WICS) to derive estimated "Average Cost per Household" values for providing Three Water Services to the community as a standalone entity (WICS - the status quo) and as an amalgamated Entity B comprising of 22 Councils. The calculated values are presented in Table 1.

The assumptions used along with the calculations were made available to Council and two immediate discrepancies were apparent:

1. Kawerau currently has significant excess capacity in both water supply and sewerage treatment. Due to the geographical nature of the District, further development options are limited with anticipated expansion over the next 30 years accommodated in the available infrastructure for very little additional investment. Similarly, Council will upgrade the bulk of its existing infrastructure when it replaces it in the next 30 years. Therefore, the required enhancement and growth funding WICS assumption of 126.3 million significantly overestimate the actual required investment of 33.8 million.
2. The WICS modelling assumes a debt to revenue ratio for Council of 2.5, however it allows a debt to revenue ratio for the Entity B of 6.0. However, since Council has no other significant debt, this ratio will be applied to its total revenue and hence this constrained does not apply to Council Three Water borrowing.

The WICS model provided to Council was used with all assumptions as derived and proposed by WICS with the exception of the two points discussed above. The total investment was corrected as actually required and the same debt to revenue ratio of 6.0 was used. The salient results are also presented in Table 1 below. The WICS calculation models are available for your review. The final average cost per household assumes a 70% contribution of households to the full costs in all three calculation scenarios as per the WICS assumptions.

Table 1: Average cost per Household – WICS modelling

Year	Total investment		Capital/maintain		Enhance/growth		Average cost / household		
	WICS	Corrected	WICS	Corrected	WICS	Corrected	WICS	Corrected	Entity B
2020	-	-	-	-	-	-	718	718	1,321
2031	44.2m	26.6m	14.4m	21.4m	29.8m	5.2m	1,672	895	1,370
2051	187.6m	95.1m	61.3m	61.3m	126.3m	33.8m	2,439	895	1,218

By making only the two simple corrections to the WICS model, the estimated annual costs for Kawerau residents decrease from \$1,672 and \$2,439 for 2031 and 2051 respectively to \$895 (in 2021 dollar values) for remaining a separate Three Waters entity. In comparison, Council's own LTP estimates are \$1,130 and \$1,127 for 2031 and 2051 respectively using best engineering assumptions. This suggest that the WICS model underestimate the Entity B costs significantly (as was found by the BECA analyses). There are many more assumptions that are obviously incorrect which in turn will significantly increase the Entity B average cost per household, however the above example is sufficient for the purposes of this response.

However, if we assume that all the WICS modelling assumptions and calculations are indeed correct, we can then calculate that over the period 1 July 2024 to 30 June 2051, Kawerau ratepayers will have to pay an additional \$66.7m for their Three Waters services. Furthermore, the Council will have stranded overhead costs (\$520,000 in 2022). Over the same period, this will result in a further \$20.7m that ratepayers will need to fund to retain the current Council services. The ratepayers of Kawerau are simply not in a position to have such a significant increase in the rates and Council is very concerned with this significant increase.

In order to be 'Not Worse' off, Council will therefore need to receive funding over \$87.4m over this period. Under the proposed "Better off" funding proposal, Kawerau District Council is set to receive \$17.3m. This funding will primarily be funded by the new Entities, which will in turn be funded by the ratepayers under each entity, and therefore the offered \$17.3m will eventually be added on to the water bills of our ratepayers.

Community Wellbeing assessment of the Three Waters Reform

Council concedes that there are more incentives for the proposed Three Waters Reform than just financial ones. Council therefore participated in the "Balanced Scorecard" impact assessment with the DIA appointed Tūhura Partners. This assessment attempted to look holistically at the reform, encompassing all factors and parameters that affect Council and its ratepayers. The results of this assessment are presented in Table 2. The assessment was performed independently by Council staff (by strictly following the provided criteria) and then with Tūhura Partners. The scores, out of a possible 100, are similar, with changes made to the original criteria by Tūhura Partners during their evaluation to enhance the "With Reform" scenario. The Tūhura Partners "Balanced Scorecard" sheets are available for your review.

Table 2: Tūhura Partners Balanced Scorecard assessment

Scenario	Without Reform		With Reform
	2021	2031	2031
Council Staff	73	82	63
Tūhura Partners	67	76	70

The assessment scores from both teams indicate that considering all criteria: financial, service delivery, local economic, social and cultural, it is not in Kawerau ratepayers' best interest to join Entity B under the current reform conditions.

While evaluating the available WICS model and through discussions with Tūhura Partners and DIA officials, Council staff noted several concerns regarding the applicability of some of the underlying assumptions and calculations employed. Council contracted Castalia Advisors to review the WICS models for both Kawerau and Entity B in order to answer the two key questions Elected Members identified as fundamental to understand the reform:

1. Will the Kawerau Council District and Residents be better off under Reform?
2. Are there significant risks to Council should Council decide to "Opt out"?

In order to answer the first question, Castalia Advisors assessed the WICS modelling assumptions and methods from first principles and found some assumptions to be implausible, not applicable to NZ, or not reasonable. Castalia also found that notable exceptions had been applied without sufficient justification when calculating the "Opt In" scenarios versus the "Opt Out". The full Castalia report is attached.

Another review by Ian Dickson of Cubus was commissioned by the Whakatane District Council that independently from Castalia, raised the same concerns and pointed to the same inconsistencies in the WICS modelling. DIA response to these reports was that later evaluations by FarrierSwier and Beca supported the WICS modelling and that the Castalia and Cubus analyse was incorrect. Furthermore, LGNZ stated that the Castalia reports are "out of date". However, after a careful reading of both the FarrierSwier and Beca reports, it shows that they do not support the WICS modelling assumptions in detail as DIA claim.

In fact, the FarrierSwier clearly state that it cannot say if the methodology or assumptions are reasonable and Beca states that the WICS modelling is "overly optimistic". It is of great concern to Council to be advised by the DIA and its consultants of the approval of the WICS modelling by external consultants only to find that this is not the case.

Other reviews reported by the DIA performed by Deloitte and Standard & Poor and also listed by LGNZ do not address WICS modelling nor the concerns raised by Castalia but rather the economic impacts after Reform under the assumption that WICS modelling is correct and the Entities will perform as promised. From the work done by Council staff and specialist contractors it is then clear that the Kawerau District Council and its Residents will not be better off under the current Reform proposal.

To answer the second question, all the risks identified by DIA and others were evaluated. The evaluation provided by Castalia indicated that there are minimal risks for Council to "Opt Out" of reform. There were however, significant risks identified should Council decide to "Opt In".

First and foremost, local accountability will be lost. Under the proposed governance system, Council and other small councils will have negligible say in the makeup of the Entity board and therefore local elected members cannot be held accountable for the performance of water. Our ratepayers will have no direct recourse if Three Water service is poor as they do now.

Similarly, local mana whenua are very likely to have negligible say in the makeup of the Entity board, whereas now they have a direct relationship with Council.

Secondly, in order to achieve the claimed OPEX (56%) and CAPEX (50%) savings, local contractors and businesses will be overlooked and slightly cheaper large national contractors will be preferred. Even if local contractors are occasionally subcontracted, the bulk of profits will flow to the large centres further impoverishing rural areas and restricting their development.

Thirdly, our Three Water staff have a very real connection to Council as their employer and any workplace or performance issues are dealt with inside Council. The new entities will not have this close connection and this could well lead to staff attrition and/or dissatisfaction. This is of course quite a different issue from any assurances that jobs will not be lost in the Reforms

#### Community feedback on the Three Waters Reform

Due to the significant impacts the Three Waters Reform will have on our constituents, Council sought feedback from the community during the first three weeks of September. During this feedback seeking process, Council has been mindful to advise residents and ratepayers to consider all the information from the Government, Local Government New Zealand and the Council. The responses are summarised in an attachment to this letter. In total 210 submissions were received: three in favour of reform, 195 against and 12 responses with questions. The key comments and questions are listed as an appendix to this report along with the feedback.

Dear minister, I hope my letter conveys the concerns of Council and our community regarding the Three Waters Reform process and that it will assist you to work with us to develop a solution that works for all New Zealanders.

Nga mihi,

Malcom Campbell  
**Koromatua, Te Kaunihera o Kawerau**  
Mayor of Kawerau



## **Kawerau District Council Three Waters Reform proposal**

### **Community Feedback**

#### **Background**

For residents and ratepayers of the Kawerau District wai / water is of particular significance.

In response to a high number of requests from residents and ratepayers who wished to have their voices heard, the Council sought feedback regarding the proposed Three Waters Reform. During this process, Council has advised residents and ratepayers to consider all the information from the Government, Local Government New Zealand and the Council.

Council has been mindful this is not a formal consultation process, but rather an opportunity for Council to raise any questions issues and feedback on behalf of residents and ratepayers with the Government.

Council had initially planned to run a formal consultation process in October and November 2021 in accordance with the Kawerau District Council's Significance and Engagement Policy. However, as the Government announced the eight-week period was a time for Councils to gather information and seek clarification, and the public were voicing concern and asking for clarification, Council considered it was timely to provide a mechanism to gather initial feedback and questions regarding the reform proposal.

The Council opened the process for gathering feedback on Friday, 3 September and for the purposes of adding feedback to this report, closed it on Monday 20 September.

Council still intends to complete formal consultation and engagement with Mana Whenua, Iwi and hapū, stakeholders and residents leading into the decision-making processes of whether the Council would be better off or worse off under the reform. Council expects that the consultation timeframe could still be the last quarter of 2021, but expect this will become clearer once the Government responds after receiving the report.

#### **Summary of Feedback**

There has been an over-whelming response by the Kawerau community with more than 210 responses in just over 10 days.

This level of response outweighs any other received via Council's formal consultation processes and highlights the importance of the proposed Three Waters Reform to our district.

Common themes from the responses include that there is a high level of confidence and satisfaction with the current model of community-owned assets managed and delivered by elected members with local knowledge and an altruistic perspective.

Many responses highlighted that Kawerau District Council provides a quality and an efficient Three Waters delivery and service, which through the Long Term Planning process, already has planned and budgeted for infrastructure renewals.

The vast majority of the responses are concerned with the negative financial impact on Kawerau District residents; the prospect of diminished levels and quality of service due to the removal of local control; concern over long-term privatisation of the community-owned assets to pay for entity debt; concerns with governance and representation and the subsequent 'lack of voice' of smaller districts and whether there will be a fair exchange for the community's Three Waters assets.

Feedback also noted that rather than introducing a one size fits all model that assistance be given to those Councils that require support.

In addition, responses noted that if the reform showed areas where Councils could improve the current Three Waters services and delivery.

There were also consistent questions which have been copied from the feedback responses and are attached to the end of the 210 responses from the community.

### **Community Responses Overview**

*"The set-up of the 50/50 council /iwi representation will allow council/iwi to choose from a board hand-picked by government yet with no real power to make direct decisions and could lead to local council and iwi being side-lined."* – Veronica Rolinson

*"We create debt with the purchase of a replacement drinking water piping system, but our council has been diligent in planning the repayment over an affordable intergenerational timeframe."* – Alison Marshall

*"I note that Labour has already said publicly that the four Water Authorities will not be sold or privatised. With all respect, the current government cannot commit future governments to any particular course of action. Kaingaroa Forest was created and originally owned by the NZ Government. Then it was privatised and sold to Fletcher Challenge. Now it is owned by overseas Pension Fund(s)."* – Chris Reynolds

*"Locals will lose their say in what is done to their own water. Kawerau District Council has done a fantastic job so far and I am more than confident they will continue to do so."* – Toni Lumsden

*"...Deep mistrust we feel about government's (any government's) ability to deliver an efficient and cost-effective scheme."* – Christine and Jim Borlase

*"We believe it is not in Kawerau's best interest to be a part of the three waters reform. Given the rushed timing of this particular subject we do not think it has been given the appropriate thought process it deserves. We have an amazing council as it is – and great water in our region and would hate to give up our control over this. It should be put to a public referendum as this is a public issue affecting us all."* – Taylor Stainthorpe and Daniel Crawford

*"Councils should retain ownership and control of their facilities especially when they are well run as in Kawerau and the government should make funds available to those councils that need to bring their 3 Waters up to the required standard."* – Jocelyn Coburn

*"All ratepayers past and present have already paid for the assets and infrastructure. \$17million is an insult."* – Lawrence Ryder

**NOTE:** Please refer to the appendices for the entire 210 feedback responses.



# Kawerau District Council Meeting Dates 2022

	Regulatory and Services Committee <u>Tuesdays</u> Meeting Time: 9.00am		Ordinary Council <u>Tuesdays</u> Meeting Time: 9.00am		Council Workshops <u>Tuesdays</u> Meeting Time: 9.00am		Audit and Risk Committee * <u>Wednesdays</u> Meeting Time: 1.00pm	
	Meeting Date	Agenda Deadline	Meeting Date	Agenda Deadline	Meeting Date	Meeting Date	Meeting Date	Agenda Deadline
February	8	2	22	16	15	1	1	26/1
March	15	9	29	23	22			
April	12	6	26	20	19	5	5	31/3
May	17	11	31	25	24			
June	14	8	28	22	21	7	7	1
July	12	6	26	20	19			
August	16	10	30	24	23	9	9	3
September	13	7	27	21	20			
October	<b>Council Elections 8 October 2022</b>							
November								
December								

\*Subject to confirmation with chair



**The Ordinary Meeting of the Kawerau District Council  
will be held on Tuesday, 28 September 2021  
in the Concert Chambers commencing at 9.00am**

**A G E N D A**

**Apologies**

**Leave of Absence**

**Opening Prayer**

**Public Forum**

**Declarations of Conflict of Interest**

**1 CONFIRMATION OF COUNCIL MINUTES**

**1.1 Ordinary Council – 31 August 2021**

**Pgs. 1 - 3**

**Recommendation**

*That the minutes of the Ordinary Council Meeting held on 31 August 2021 be confirmed as a true and accurate record.*

**1.2 Extraordinary Council – 14 September 2021**

**Pgs. 5 - 6**

**Recommendation**

*That the Minutes of the Extraordinary Council meeting held on 14 September 2021 be confirmed as a true and accurate record.*

**2 RECEIPT OF COMMITTEE MINUTES**

**2.1 Regulatory and Services Committee –14 September 2021**

**Pgs. 7 - 8**

**Recommendation**

*That the Minutes of the Regulatory and Services Committee meeting held on 14 September 2021 be confirmed as a true and accurate record.*

**3 Action Schedule (101120)**

**Pgs. 9 - 10**

**Recommendation**

*That the updated Action Schedule of resolutions/actions requested by Council be received.*

**4 His Worship the Mayor's Report (101400)**

**Pg. 11**

**Recommendation**

*That His Worship the Mayor's report for the period Wednesday 25 August 2021 to Tuesday 21 September 2021 be received.*

**5 Determination of Representation Arrangements for the 2022 and 2025 Council Elections (Group Manager, Finance and Corporate Services) (110400)**

**Pg. 13 - 42**

Attached is a report requesting that Council determine the representation arrangements for the 2022 and 2025 Council Elections.

**Recommendations**

1. *That the report "Determination of the Representation Arrangements for the 2022 and 2025 Council Elections" be received.*
2. *That Council retains for the 2022 and 2025 Council elections:*
  - *8 elected members and a Mayor.*
  - *All members are elected at large (no wards established).*
3. *That Council determines whether to establish a community board comprising 6 members for the 2022 and 2025 Council elections.*
4. *That council reconsider the issue of Maori wards for the 2025 Council elections prior to 23 November 2023.*

**6 2021/22 Carry Forwards and Budget Approval (Group Manager, Finance and Corporate Services) (201000)**

**Pgs. 43 - 45**

Attached is a report requesting Council approve the carry forwards to the 2021/22 financial year.

**Recommendation**

1. *That the report "2021/22 Carry Forwards and Budget Approval" be received.*
2. *That the 2021/22 budget is amended to include the following carry forward costs and funding:*

<b>Project</b>	<b>Amount</b>	<b>Funding Source</b>
Town Centre Cobblestones	\$80,000	Depreciation Reserves
Pool - Clubrooms	\$80,000	
Pool - Fence	\$50,000	
Pool – Office & Entrance – approved	\$625,000	
Pool – Filtration System	\$50,000	

WWTP – Milliscreens	\$90,000	Depreciation Reserves
Water – Umukaraka Spring flow control	\$59,000	
Zero Waste – recycling shed*	\$15,000	
Netball pavilion	\$600,000	
Library – Shelves & Displays	\$11,000	
Dog Pound	\$640,000	
Firmin Lodge – Acoustics	\$10,000	
District Office – additional cost approved	\$140,000	
<b>Total</b>	<b>\$2,452,000</b>	

**7 Maurie Kjar Swimming Pool Complex – Geothermal Wall (Group Manager, Operations and Services) (407000)**

**Pg. 47 - 50**

Attached is a report on Maurie Kjar Swimming Pool Complex – Geothermal Wall

**Recommendations**

1. *That the report “Maurie Kjar Swimming Pool Complex – Geothermal Wall” be received.*
2. *That Council select an option and allocate sufficient fund if applicable:*
  - a. *Revert the pools to summer only and allocate \$5,000 of funding.*
  - b. *Explore solar energy options. No immediate funding required.*
  - c. *Reline the existing well and allocate \$45,000 of funding.*
  - d. *Drill a new well and allocate \$75,000 of funding.*

**8 Request to Register Existing Geothermal Easements (Chief Executive Officer) (506800)**

**Pg. 51 - 53**

Attached is a report for Council’s consideration and approval.

**Recommendations**

1. *That the report “Request to Register Existing Geothermal Easements” be received.*
2. *That Council agrees to the request from Kawerau Geothermal Limited to acknowledge and agree to register an existing easement, subject to legal costs being met by Kawerau Geothermal Limited.*

**9 Three Waters Reform – Formal Response to Proposal (Group Manager, Operations and Services) (401250)**

**Pg. 55 - 62**

Attached is a report on Three Waters Reform – Formal Response to Proposal.

**Recommendations**

1. *That the report “Three Waters Reform – Formal Response to Proposal” be received.*

2. *That Council note any final changes or recommendations to be made to the letter and attachments.*
3. *That Council approve the letter and the attachments (pending all corrections have been made) and authorise the mayor to sign the letter.*

10 **Kawerau District Council – Meeting Dates 2022 (Group Manager, Finance and Corporate Services)**

Pg. 63

Attached are the proposed meeting dates for the 2022 calendar year.

**Recommendations**

*That the “Kawerau District Council – Meeting Dates” are adopted.*

R B George

**Chief Executive Officer**

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